

Remarks/Arguments

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Kollross (U.S. Pat. No. 4,577,370) or Evans et al. (U.S. Pat. No. 5,085,036). In response, Applicant has amended independent claims 1 and 2 to require that the textured continuous belt move the natural casing towards the discharge end of the stuffing tube and into the twisting mechanism. Applicant believes that this amendment overcomes the Examiner's rejection.

Additionally, the Examiner has rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Kollross in view of Evans et al. In view of the amendment to independent claims 1 and 2, Applicant respectfully requests the rejection be withdrawn.

Rejection Under 35 U.S.C. § 102(b):

Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Found. for Med. Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571, 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, **including all claim limitations**, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown

Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)); see also PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Amended independent claims 1 and 2 require, in part, that the textured continuous belt move the natural casing towards the discharge end of the stuffing tube and into the twisting mechanism. As stated in the specification, Applicant's textured belt is used to advance the natural casing toward the discharge end and through the twisting mechanism. (Page 3, lines 21-23). As shown in Fig. 2, belt 24 is located near the end of stuffing tube 14 such that the natural casing 26 is pushed past the discharge end of the stuffing tube 14 and through inner bore 28 of the twisting mechanism 16.

By contrast, Kollross discloses four conveyor belts 44 located adjacent and parallel to a shirring tube 18, as shown in Figs. 1, 3, 4(a)-(e), and 5. Additionally, Kollross discloses conveyor belts 44 located adjacent and parallel to a shirring tube 126, as shown in Figs. 6 and 7(a)-(d). Further, Kollross discloses conveyor belt 102 located adjacent and parallel to shirring tube 104 in Figs. 8(a)-(d). Kollross describes shirring tubes 18, 126, and 104 as being used for opening the synthetic casings and not for filling the casings with a meat emulsion. (Col. 5, lines 11-20; Col. 8, lines 13-20). Rather, it is the charging tubes 14 (Fig. 1) and 138 (Figs. 8(a)-(d)) that are used for filling the synthetic casings with the meat emulsion. (Col. 4, lines 58-64). Therefore, Kollross teaches that the textured belt be positioned adjacent and parallel to the shirring tube and not the stuffing tube, as required by claims 1 and 2.

Evans et al. discloses textured belts 100 and 102 parallel to a fill tube 90. The fill tube 90 is axially aligned with a forming

tube 14, as shown in Figs. 1 and 4. The purpose of the conveyor belts 100 and 102 is to advance the film casings from the forming tube 14, where the film is outstretched and sealed, to the fill tube 90, where the film is filled with a meat emulsion. (Col. 7, lines 12-35). Applicant's textured belt, by contrast, is used to advance the natural casing toward the discharge end and through the inner bore of a twisting mechanism. (Page 3, lines 21-23). Evans et al. fails to disclose a twisting mechanism. Further, Evans et al. fails to teach the use of conveyor belts 100 and 102 to advance the casings towards the discharge end of the stuffing tube and into the twisting mechanism, as required by amended claims 1 and 2.

Accordingly, as the prior art does not teach each and every element of independent claims 1 and 2, as amended, the anticipation rejection should be withdrawn.

Rejection Under 35 U.S.C. § 103(a):

The teachings or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. See In re Vacck, 997 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); MPEP § 2143. In other words, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

Claims 3 and 4 both depend from independent claim 2, which has been amended to require that the textured continuous belt move the natural casing towards the discharge end of the stuffing tube and into the twisting mechanism. As discussed above, Kollross and Evans et al. fail to teach each and every element of amended independent claim 2.

Accordingly, as the combination of prior art references does not result in the invention as claimed, the obvious rejection should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that claims 1-4 are in condition for allowance, and respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. J. Zarley', with a long horizontal flourish extending to the left.

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